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| DATE FILED: <u>7-19-12</u> |

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORBITAL PUBLISHING GROUP, INC.,
Plaintiff,
-against-
BANK OF AMERICA, N.A.,
Defendant.

11 Civ. 3065 (PAC)

**STIPULATION AND ORDER
ADJOURNING THE INQUEST**

WHEREAS, the court issued an order on April 16, 2012 granting Defendant's motion to dismiss for lack of prosecution and scheduling a hearing to determine damages on the counterclaim, and

WHEREAS, the parties have resolved the action and due to scheduling conflicts are still finalizing a written settlement agreement, and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that the inquest scheduled for July 19, 2012 is hereby adjourned to September 14, 2012; -10 AM -Courtroom 20-C
Defendant's time to file a pre-hearing brief is adjourned from June 27, 2012 to August 24, 2012; Plaintiff's opposition, if any, is adjourned from July 6, 2012 to August 31, 2012; and Defendant's reply is adjourned from July 13, 2012 to September 7, 2012.

IT IS FURTHER STIPULATED AND AGREED that this Stipulation may be

signed in counterparts and that facsimile copies shall be deemed originals.

Dated: New York, New York
July 17, 2012

LENNON & KLEIN, P.C.

By:

David P. Lennon, Esq.
Attorneys for Plaintiff
Orbital Publishing Group, Inc.,
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ZEICHNER ELLMAN & KRAUSE LLP

By:

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Tracee E. Davis, Esq.
Attorneys for Defendant
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New York, NY 10022
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7/17/2012

SO ORDERED:

Paul Muth
U.S.D.J.

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July 18, 2012

BY FACSIMILE

Hon. Paul A. Crotty, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
Chambers 735, Courtroom 20-C
New York, New York 10007

Facsimile No.: (212) 805-6304

Orbital Publishing Group, Inc. v. Bank of America, N.A.
Case No.: 11 Civ. 3065 (PAC)
(Request for Adjournment of Inquest)

Dear Judge Crotty:

We represent Bank of America, N.A. in the above referenced matter. We write with the consent of plaintiff's, Orbital Publishing Group, Inc.'s, counsel

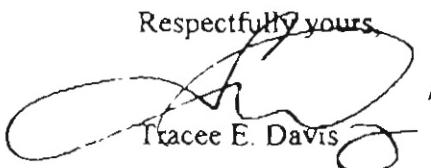
Kindly find enclosed a copy of a proposed Stipulation and Order, which has been submitted to the Clerk of the Court, requesting, inter alia, an adjournment of an inquest scheduled for July 19, 2012.

The parties have reached a settlement agreement on all terms. However, because of scheduling conflicts we are still working on reducing our agreement to writing. Accordingly, we respectfully request an adjournment of the inquest and related dates so as to give the parties sufficient time to finalize their agreement.

ZEICHNER ELLMAN & KRAUSE LLP

Hon. Paul A. Crotty, U.S.D.J.
July 18, 2012
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This is the third request for adjournment of these dates. The original date for the inquest was May 24, 2012.

Respectfully yours,

Tracee E. Davis

TED:bs
Enclosure

cc: David P. Lennon, Esq. (by email w/attachment)
David B. Chenkin, Esq. (by email w/attachment)